

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 2:08cr49-MEF
)	WO
RICHARD JAMES MARSHALL)	

RECOMMENDATION AND ORDER¹ OF THE MAGISTRATE JUDGE

This case is before the court on defendant's motion to dismiss (Doc. # 31), in which defendant contends that the indictment fails to allege sufficiently all of the elements of the offense charged, because it "does not contain any allegation of the use or attempted use of physical force, or threatened use of a deadly weapon, or an allegation of the existence of a domestic relationship." Motion to Dismiss Indictment at 7. For the reasons discussed below, the motion to dismiss is due to be denied.

Discussion

Defendant is charged in a one-count indictment as follows:

On or about June 28, 2005, in Lowndes County, Alabama, within the Middle District of Alabama, the defendant,

RICHARD JAMES MARSHALL,

having been previously convicted in a court of a misdemeanor crime of domestic violence under the laws of the State of Alabama, to-wit: Harrassment in the District Court of Tuscaloosa, Alabama (DC-98-424), knowingly possessed in and affecting commerce a firearm and ammunition, that is:

- (1) A loaded Rossi, .357 Caliber Revolver, a better description of which is unknown to the Grand Jury; and

¹ See footnote 5, below.

- (2) Fifty-two live rounds of .357 Magnum ammunition, a better description of which is unknown to the Grand Jury.

All in violation of Title 18, United States Code, Section 922(g)(9).

Section 922(g)(9) makes it unlawful for any person “who has been convicted in any court of a misdemeanor crime of domestic violence, to ... possess in or affecting commerce, any firearm or ammunition ... which has been shipped or transported in interstate or foreign commerce.” 18 U.S.C. §922(g)(9). The term “misdemeanor crime of domestic violence” is defined to include an offense that “(i) is a misdemeanor under ... State ... law; and (ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.” 18 U.S.C. § 921(a)(33)(A).

In this case, the indictment closely tracks the language of § 922(g)(9), alleging that Marshall was “previously convicted in a court of a misdemeanor crime of domestic violence under the laws of the State of Alabama,” and that he “knowingly possessed in and affecting commerce a firearm and ammunition.” To this language, the indictment adds additional facts: the date and place of the alleged federal offence (“On or about June 28, 2005, in Lowndes County, Alabama”); the misdemeanor offense of which Marshall was previously convicted (“Harrassment”); the court of conviction and case number (“the District Court of Tuscaloosa, Alabama (DC-98-424)”); and the specific firearms and ammunition which defendant allegedly possessed (“A loaded Rossi, .357 Caliber Revolver, a better description of which is unknown to the Grand Jury” and “[f]ifty-two live rounds of .357

Magnum ammunition, a better description of which is unknown to the Grand Jury”), as well as a reference to the federal statute allegedly violated (“All in violation of Title 18, United States Code, Section 922(g)(9)”).

However, defendant contends that the indictment fails to allege several elements of the offense charged – specifically, the use or attempted use of physical force, or threatened use of a deadly weapon, or an allegation of the existence of a domestic relationship. In other words, defendant maintains that, in order to be sufficient, the indictment must allege not only those elements of the offense specifically required by the text of § 922(g)(9) itself – that is, a previous conviction in a court of a misdemeanor crime of domestic violence and the knowing possession of a firearm in and affecting interstate commerce – but also the component parts of a “misdemeanor crime of domestic violence” – that is, the use or attempted use of physical force and the domestic relationship² that are referenced in the statutory definition set out in 18 U.S.C. § 921(a)(33)(A). Thus, the question before the court is whether the legal definition of the term “misdemeanor crime of domestic violence” introduces elements that must be alleged in addition to those required by the plain language of § 922(g)(9). This inquiry is important because “[a] criminal conviction will not be

² The court notes that under current Eleventh Circuit case law the domestic relationship referenced in § 921(a)(33)(A)(ii) need not be an element of the predicate misdemeanor conviction. See United States v. Griffith, 455 F. 3d 1339, 1345-46 (11th Cir. 2006). As defendant correctly points out, the United States Supreme Court has granted *certiorari* on the issue of whether the predicate misdemeanor offense must have as an element a domestic relationship between the victim and the offender, in order to resolve a split in the circuits. United States v. Hayes, 482 F. 3d 749, *cert. granted*, 128 S. Ct. 1702 (4th Cir. 2007). However, a domestic relationship must, like the use or attempted use of physical force, be proved for a conviction under the federal statute, although – as will be seen below – neither of these need be specifically alleged in the indictment, so long as a prior conviction for a “misdemeanor crime of domestic violence” is properly alleged.

upheld if the indictment upon which it is based does not set forth the essential elements of the offense.” United States v. Fern, 155 F.3d 1318, 1324-1325 (11th Cir. 1998) (citation omitted). “This rule serves two functions. First, it puts the defendant on notice of ‘the nature and cause of the accusation as required by the Sixth Amendment of the Constitution. Second, it fulfills the Fifth Amendment’s indictment requirement, ensuring that a grand jury only return an indictment when it finds probable cause to support all the necessary elements of the crime.’” Id. at 1325 (citation omitted).

The Eleventh Circuit has not specifically enumerated the elements of a 922(g)(9) charge, but it has intimated in *dicta* that these consist of, in relevant part: (1) proof that defendant knowingly possessed the firearm, (2) that he had the “qualifying ... misdemeanor crime of domestic violence conviction[,]” and (3) “that the gun affected interstate commerce.” See United States v. Pruitt, 2008 WL 5007203 at * 1 and n. 2 (11th Cir. 2008).³ The Fifth Circuit’s more explicit statement of the elements of this offense is consistent with the elements suggested in Pruitt. In United States v. Bethurum, 343 F.3d 712 (5th Cir. 2003), that Court determined that, “[b]y its text, § 922(g)(9) states three required elements: (1) the accused possessed, shipped, or transported a firearm (2) that had traveled in or affected interstate commerce (3) after the accused had been convicted of a misdemeanor crime of domestic violence. 18 U.S.C. § 922(g)(9); cf. United States v. Daugherty, 264 F.3d 513, 515 (5th Cir. 2001) (‘Section 922(g)(1) has three requirements: (1) that the defendant previously have been convicted of a felony; (2) that he possessed a firearm; and (3) that the firearm

³ Pruitt refers to a prior case, United States v. Griffith, 455 F. 3d 1339, 1340-41 (11th Cir. 2006), as “noting the elements of a section 922(g)(9) offense.” Pruitt, 2008 WL 5007203 at * 1. However, Griffith does not specifically set out these elements, instead primarily addressing the elements of the predicate misdemeanor offense.

traveled in or affected interstate commerce.’) (internal quotations and citations omitted).” Id. at 716. The Fifth Circuit explained that “[t]he essential elements of a violation of § 922(g)(9) are set forth in § 922(g)(9) itself; § 921(a)(33) simply provides a legal definition of the term ‘misdemeanor crime of domestic violence’ used in § 922(g)(9).” Bethurum, 343 F. 3d at 717.⁴

Thus, under the reasoning of Bethurum, a prior conviction for a “misdemeanor crime of domestic violence” is an element of § 922(g)(9) that must be alleged in the indictment, but the fact that the statute further defines that term of art does not add elements or compel additional allegations. To put this point another way, charging a legal term of art in an indictment is sufficient to charge the component parts of that term. See Hamling v. United States, 418 U.S. 87, 118-119 (1974) (A legal definition is “is not merely a generic or descriptive term, but a legal term of art” which does not change with each indictment; it is “a term sufficiently definite in legal meaning to give a defendant notice of the charge against him,” and the various component parts of the legal definition need not be alleged in the indictment in order to establish its sufficiency.); United States v. Wicks, 187 F.3d 426, 428-429 (4th Cir. 1999) (A term of art defined by statute adequately charges the necessary element of the offense, and the component parts need not be alleged to render the indictment sufficient, as “charging a legal term of art in an indictment sufficiently charges the component parts of the term.”); see also United States v. Kovach, 208 F.3d 1215, 1219 (10th Cir. 2000). Thus, the court concludes that the indictment adequately sets forth all the elements necessary to constitute the offence intended to be punished in this case. Hamling, 418 U.S. at 118.

⁴ In determining the status of § 921(a)(33), the Bethurum Court “look[ed] first to the fact that § 921 is entitled ‘Definitions.’ 18 U.S.C. § 921. Second, § 921(a)(33) states, ‘the term “misdemeanor crime of domestic violence” means an offense that....’ 18 U.S.C. § 921(a)(33)(A) (emphasis added).” Id.

To the extent that defendant argues in his reply that the indictment is due to be dismissed because the defendant's conviction for the misdemeanor offense of harassment does not qualify as a predicate offense under § 922(g)(9), this argument is without merit. See Defendant's Reply (Doc. # 37 at 3-5). The question of whether the conviction qualifies as a predicate offense does not depend on whether the actual conduct that led to defendant's prior misdemeanor conviction involved physical force. United States v. Griffith, 455 F. 3d 1339, (11th Cir. 2006). Instead, the court must apply the "categorical or element-by-element" approach, and the question in this case turns on whether the state crime defined by statute requires, as an element, the use or attempted use of physical force. Id.

Here, defendant is correct that "the Alabama harassment statute clearly embraces a broad range of conduct that does not necessarily require force." Id. at 4. The statute provides:

- (a)(1) HARASSMENT. A person commits the crime of harassment if, with intent to harass, annoy, or alarm another person, he or she either:
 - (a) Strikes, shoves, kicks, or otherwise touches a person or subjects him or her to physical contact;
 - (b) Directs abusive or obscene language or makes an obscene gesture towards another person.
- (2) For purposes of this section, harassment shall include a threat, verbal or nonverbal, made with the intent to carry out the threat, that would cause a reasonable person who is the target of the threat to fear for his or her safety.

Ala. Code § 13A-11-8 (1975). Ordinarily, in ruling on a motion to dismiss for failure to state an offense, "a district court is limited to reviewing the *face* of the indictment" United States v. Sharpe, 438 F.3d 1257, 1263 (11th Cir. 2006) (emphasis in original). However, as the Eighth Circuit has noted in a similar context, under the categorical approach, "[i]f the predicate statute reaches a broad range of conduct, this court may expand the inquiry to review the charging papers and jury

instructions, but *only* to determine which part of the statute the defendant violated.” United States v. Howell, 531 F. 3d 621, 622-23 (8th Cir. 2008) (emphasis in original). “Where the defendant pled guilty to a predicate offense, this inquiry may include the ‘written plea agreement, transcript of plea colloquy, and any explicit factual finding by the trial judge to which the defendant assented.’” Id. at 623; cf. also United States v. Barraza-Ramos, __ F. 3d __, 2008 WL 5401417, 3-4 (10th Cir. 2008) (Where a state statute defines an offense in multiple ways, and it is not clear under which subpart the defendant was convicted, the court may examine judicial records to determine which part of the statute to analyze, including the terms of the charging document or some comparable judicial record of this information. “This inquiry is limited to ascertaining which definition of a crime to evaluate in analyzing whether the crime has as an element the use, attempted use, or threatened use of physical force. ... It is improper to use these sources to determine whether the factual circumstances underlying the conviction involve the use, attempted use, or threatened use of physical force.”); United States v. Llanos-Agostadero, 486 F.3d 1194, 1197-98 (11th Cir 2007) (In examining the facts underlying a prior conviction, the district court is generally limited to relying only on the ‘charging document[s], written plea agreement, transcript of plea colloquy, and any explicit factual finding by the trial judge to which the defendant assented.’”).

In this case, the court has obtained, and it hereby takes judicial notice of, the state court file relating to defendant’s misdemeanor conviction through Alacourt.com, an service which provides online access to state court records.⁵ In the predicate misdemeanor case, the complaint charges, by means of a box checked next to the relevant subpart of the statute, that defendant “did on or about

⁵ A complete copy of the file obtained through the court’s Alacourt search is attached to this Recommendation. The United States is hereby DIRECTED to file a certified copy of the state court record in this case on or before January 16, 2009.

011098, with the intent to harass, annoy, or alarm another person, to-wit: Shervon Baity, did either (X) strike, shove, kick or otherwise touch the said Shervon Baity, or subject him/her to physical contact by striking her with his handsin violation of 13A-011-008(a)(1) of the Code of Alabama, against the peace and dignity of the State of Alabama.” Thus, defendant was charged with a violation of Ala. Code § 13A-11-8(a)(1)(a). The docket sheet reflects that on February 11, 1998, defendant pled guilty to the offense charged.

The court is satisfied that subpart (a)(1)(a), the portion of the harassment statute setting out the offense for which defendant was convicted, necessarily involves physical force. The plain meaning of the conduct prohibited by this subpart – “striking, shoving, kicking or otherwise touching a person or subjecting him or her to physical contact” – cannot meaningfully be read otherwise under Griffith. As the Griffith Court noted, “[a] person cannot make physical contact ... with another without exerting some level of physical force.” Griffith, 455 F. 3d at 1342. Thus, defendant’s harassment conviction qualifies as a predicate offense under § 922(g)(9).

Conclusion

Accordingly, for the foregoing reasons, it is the RECOMMENDATION of the Magistrate Judge that defendant’s motion to dismiss (Doc. # 31) be DENIED.

It is further

ORDERED that the parties are DIRECTED to file any objections to the said Recommendation on or before January 23, 2009. Any objections filed must specifically identify the findings in the Magistrate Judge’s Recommendation objected to. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a *de novo* determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. Nettles v. Wainwright, 677 F.2d 404 (5th Cir. 1982). See Stein v. Reynolds Securities, Inc., 667 F.2d 33 (11th Cir. 1982). See also Bonner v. City of Prichard, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

DONE, this 13th day of January, 2008.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
CHIEF UNITED STATES MAGISTRATE JUDGE

ACS0370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: DC 98 000424.00
 OPER: KEJ CASE ACTION SUMMARY
 PAGE: 1 DISTRICT CRIMINAL RUN DATE: 01/21/98
 IN THE DISTRICT COURT OF TUSCALOOSA JUDGE: DDD

STATE OF ALABAMA VS MARSHALL RICHARD JAMES

CASE: DC 98 000424.00

DOB: [REDACTED] SEX: M RACE: B HT: 0 00 WT: 800 HR: EYES:
 SSN: [REDACTED] ALIAS NAMES:
 CHARGE1: HARASSMENT CODE1: HARA LIT: HARASSMENT TYP: M
 MORE?: OFFENSE DATE: 01/10/98 AGENCY/OFFICER: UAPD ANDERS

DATE WAR/CAP ISS: DATE ARRESTED: 01/16/98
 DATE INDICTED: DATE FILED: 01/21/98
 DATE RELEASED: 01/10/98 DATE HEARING:
 BOND AMOUNT: \$500.00 SURETIES:

DATE 1: 02/11/98 DESC: DOCK TIME: 0900 A
 DATE 2: DESC: TIME: 0000

DEF/ATY: TYPE: TYPE:

OTH CSE: CHK/TICKET NO: 9800011800 GRAND JURY:
 COURT REPORTER: SID NO: 000000000
 DEF STATUS: BOND DEMAND: OPER: KEJ

DATE ACTIONS, JUDGEMENTS, AND NOTES

2/2/98 Mailer for 2/11/98 on 1/30/98 & CW Subp. Lm. / Sub
 2/11/98 APG. State rec. Batt Program + 30 days
 susp for 2 years (AJ) Explained length of BP
 costs (AJ)

2/11/98 After full rights given by the court, Defendant voluntarily and
 intelligently pleads guilty, Judgment Guilty and Defendant fined
 \$ [REDACTED] and Defendant is hereby sentenced to serve 30
 days at hard labor for Tuscaloosa County, it is hereby ordered
 and adjudged that the execution of the above and foregoing
 sentence be suspended for a period of 2 1/2 years pending
 behavior of the Defendant. Defendant to pay costs and
 \$ 25 VCA, Clerk may accept partial payments. Case
 continued to 3/11/98 B.P.

3/11/98 [Signature]
 District Judge
 \$700 + BP report

2/11/98 Order
 2/11/98 Exp. of rights
 2/19/98 Deposition
 2/27/98 Mailer for 3/11/98

ACS0369 ALABAMA JUDICIAL INFORMATION CENTER

CASE ACTION SUMMARY
CONTINUATIONCASE: DC 98 000424.00
JUDGE ID: DDD

STATE OF ALABAMA

VS

MARSHALL RICHARD JAMES

DATE	ACTION, JUDGMENTS, CASE NOTES
3/11/98	D LATE - only for 40 - in BP - id 4-15-98 in full + BP. Next JRS
4/13/98	Mailer for 4/15/98
4/15/98	Cont'd 6/10/98 case to be complete JRS
4/15/98	FCS
5/29/98	Mailer for 6/10/98
6/10/98	case copies (JRS)
6/10/98	FCS report.
6-12-98	still over case - win case case win - case case case #
6/13/98	rec'd win - remit 10 - case (JRS)
6/12/98	win - case case case off

ALABAMA JUDICIAL DATA CENTER

COURT PAYMENT SYSTEM

TUSCALOOSA COUNTY

NO: 126203

*** RECEIPT ***

DATE: 06/18/98
TIME: 10:18:33

CASE: DC 98 000424.00

BATCH: 98202

RECEIVED FROM: MARSHALL RICHARD JAMES

TYPE: CASH

AMOUNT: ONE HUNDRED TWENTY TWO AND NO CENTS-----\$*****122.00

FOR ACCOUNTS:	CM00	COSTS	\$69.00
	CM30	SUBPONE	\$8.00
	CM71	CVCC AS	\$12.50
	CM72	OPS ASS	\$12.50
	S075	HIST FE	\$20.00

*** BALANCE DUE ON THIS CASE IS: \$10.00 ***

RECEIVED BY: KEJ

CHARGE: Domestic Violence (Misdemeanor) WARRANT NO. WK 98 000118
CASE NO. 98-01-032

DEPOSITION AND CHARGE SHEET

Personally appeared before me, Ronald Anders, being by me first duly sworn,
deposes and says:

On 01/10/98 at 0215MT the following incident occurred:

Def: RICHARD JAMES MARSHALL Alias NONE

Address: [REDACTED] State AL

DOB: [REDACTED] Race B Sex M Ht. 5'9" Hair BLK Eyes BRO

On 1-10-98 at approx 0200 writer R.R. Anders responded to Apt 101
McCorvey Hall on a report of a man hitting a female. When writer
arrived at the apt the victim Sherboun Bailey was sitting in the hallway
wearing only a pair of pants and holding a torn T-shirt. The victim
had swelling under her left eye and scratch marks on her neck. The
complainant is the victim's eight year old daughter. At this time writer
talked with the suspect who stated they were arguing and he hit the victim.
The suspect stated the victim hit him also, but no marks were noted
by writer. Writer arrested Richard Marshall for domestic violence
and placed him in the county jail on a arrest ticket # 776.

SWORN to and subscribed
before me this the 16
day of January,
19 98

Ronald Anders
Complainant's Signature

Magistrate

FILED

FEB 19 1998

ELIZABETH HAMNER, CLERK
TUSCALOOSA DISTRICT COURT

Code 1: _____ Code 2: _____ Code 3: _____

Agcy-ORI 0630300 Issued to: _____

WITNESS: _____

ALABAMA JUDICIAL DATA CENTER

COURT PAYMENT SYSTEM

TUSCALOOSA COUNTY

*** RECEIPT ***

NO: 118180

DATE: 03/11/98
TIME: 09:48:38

CASE: DC 98 000424.00

BATCH: 98126

RECEIVED FROM: MARSHALL RICHARD JAMES

TYPE: CASH

AMOUNT: FORTY AND NO CENTS-----\$*****40.00

FOR ACCOUNTS: CMOO COSTS

\$40.00

*** BALANCE DUE ON THIS CASE IS: \$132.00 ***

RECEIVED BY: KEJ

STATE OF ALABAMA

ORDER FOR DOMESTIC VIOLENCE
INTERVENTION PROGRAM

IN THE DISTRICT COURT OF
TUSCALOOSA COUNTY, ALABAMA

VS.

CASE NO. DC 98-424

Richard James Marshall
DEFENDANT.

ORDER

The Defendant is hereby ordered to the Domestic Violence Intervention Program. Accordingly, the Defendant is ORDERED to do each of the following:

1. Within Seven (7) days of today's date, you will go to Family Counseling Service and pay the fee (\$30) to set up your screening interview. You must take this order with you. **You do not need to call.** Family Counseling Service is located at 2020 Bryant Drive, Tuscaloosa, Alabama, 35401, one block west of Alabama Power Company. Office hours are 9:00 A.M. until 4:30 P.M. Monday through Friday. 752-2504
2. You will attend each scheduled meeting as recommended by the staff of Family Counseling Service. The Domestic Violence Intervention Program is a series of twelve group meetings which you must attend. You will cooperate fully and honestly and you will follow each rule and recommendation of Family Counseling Service and its staff.
3. You will pay for the twelve group meetings at Family Counseling Service at \$30 per session. You must take the fee with you as you attend each meeting.
4. Family Counseling Service shall provide a brief written report (referencing the Defendant's name and case number) regarding your compliance and progress prior to your return court date.
5. Failure of the Defendant to attend sessions or cooperate fully shall result in termination from the Domestic Violence Intervention Program and further action by the Court.
6. **ANY VIOLATION OF THIS ORDER, OR ANY FUTURE ILLEGAL ACT, WILL RESULT IN TERMINATION FROM THE PROGRAM, AN ARREST WARRANT BEING ISSUED AND A POSSIBLE JAIL SENTENCE.**

7. You will return on court on 3-11-, 19 99.

Done this Feb 11, 1999.

FILED

FEB 11 1998

ELIZABETH HAMNER, CLERK
TUSCALOOSA DISTRICT COURT


DISTRICT JUDGE

Copy to Family Counseling Service with factual narrative and criminal history.

EXPLANATION OF RIGHTS (d)

I know that I am charged with the offense(s) of Harassment
_____, and I have read the above Rights Form and am completely knowledgeable about
these rights guaranteed me by the Constitution of the United States and the State of Alabama.

I plead Not Guilty ☐ Guilty ☒

I wish to waive my right to be represented by an attorney ☒

I wish to be represented by an attorney ☐

Richard Marshall
Defendant

[REDACTED]
Address

[REDACTED]
Phone Number

Pite Aide
Employer

Attorney for defendant

FILED

FEB 11 1998

ELIZABETH HAMNER, CLERK
TUSCALOOSA DISTRICT COURT

State of Alabama Unified Judicial System Form C-52 Rev 7/80	CONSOLIDATED BOND (District Court, Grand Jury, Circuit Court)	Case Number AT 5176 <small>ID YR Number</small>
---	---	--

IN THE District COURT OF Tuscaloosa COUNTY
 STATE OF ALABAMA VS.

We Richard James Marshall (Defendant) as principal
 and THE UNDERSIGNED as sureties

agree to pay the State of Alabama Five Hundred Dollars (500.00) Dollars
 unless the above named defendant appears before the District Court of said County on (Date) 2-11-98
 at (Time) 9:00pm or at the next session of circuit court of said county; there to await the action by the grand
 jury and from session to session thereafter until discharged by law to answer to the charge of HARASSMENT (DV)

or any other charge. We hereby severally certify that we have property over and above all debts and liabilities to the
 amount of the above bond. We waive the benefit of all laws exempting property from levy and sale under execution
 or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we especially
 waive our rights to claim exempt our wages or salary, that we have under the laws of Alabama.

It is agreed and understood that this is a continuing bond which shall continue in full force and effect until such time
 as the undersigned are duly exonerated.

Richard James Marshall (Signature of Defendant) [Redacted] (Address Print) [Redacted] (City) (L.S.)

Nobel Ins Co / Jack Humphries (Signature of Surety) JACK HUMPHRIES (Address Print) NOBEL INSURANCE CO. (City) (L.S.)

[Redacted] (Signature of Surety) [Redacted] (Address Print) [Redacted] (City) (L.S.)

[Redacted] (Signature of Surety) [Redacted] (Address Print) [Redacted] (City) (L.S.)

[Redacted] (Signature of Surety) [Redacted] (Address Print) [Redacted] (City) (L.S.)

1-10-98 (Date)

Edmond M. Sexton Sr. (Approved by: Sheriff/Judge)
Charlie E. Phillips Jr. (By: Deputy Sheriff)

Disclosure of your Social Security Number is voluntary;
 it will be used only for identification purposes in regards
 to your release on bond.

Defendant's Information			
DOB <u>[Redacted]</u>	Sex <u>MALE</u>		
S. S. No. <u>[Redacted]</u>	Race <u>BLACK</u>		
DL No. <u>[Redacted]</u>	State (<u>AL</u>)	Phone No. <u>[Redacted]</u>	

☐ Appearance Bond-Cash ☐ Appearance Bond-Recognizance ☐ Bail Bond-Cash

W A R R A N T

STATE OF ALABAMA TUSCALOOSA COUNTY DISTRICT COURT

AGENCY NUMBER: 9801032

WARRANT NUMBER: WR 98 000118.00

OTHER CASE NBR:

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST RICHARD JAMES MARSHALL AND BRING HIM/HER BEFORE THE DISTRICT COURT OF TUSCALOOSA COUNTY TO ANSWER THE STATE OF ALABAMA ON A CHARGE(S) OF:

HARASSMENT CLASS:C TYPE:M
AND HAVE YOU THEN AND THERE THIS WRIT WITH YOUR RETURN THEREON.

YOU WILL RECEIVE UNTO YOUR CUSTODY AND DETAIN HIM/HER UNTIL THE DAY OF 19, OR UNTIL LEGALLY DISCHARGED.

DATED THIS 16 DAY OF JANUARY, 1998.

BOND SET AT: (1) \$500.00 BOND TYPE:

(2)

(3)

JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: HARASSMENT

13A-011-008 (A)(1)

M MISDEMEANOR

NAME: RICHARD JAMES MARSHALL

ALIAS:

ADDRESS:

ALIAS:

ADDRESS:

CITY:

STATE:

ZIP: 00000 0000

EMPLOYMENT:

DOB: RACE: B SEX: M HAIR:

EYE: HEIGHT: 0'00" WEIGHT: 000

SID: 000000000 SSN: 000000000

E X E C U T I O N

EXECUTED THE WITHIN WARRANT BY ARRESTING THE DEFENDANT AND

(X) PLACING DEFENDANT IN THE TUSCALOOSA COUNTY JAIL

() RELEASING DEFENDANT ON APPEARANCE BOND

THIS 16 DAY OF January 19 98

SHERIFF

Ronald R. Anders JTA P.D.

COMPLAINANT: RONALD ANDERS

FILED

OPERATOR: GEB

LAST UPDATE: 011698

JAN 21 1998

ELIZABETH HAMNER, CLERK
TUSCALOOSA DISTRICT COURT

ALABAMA JUDICIAL INFORMATION SYSTEM

* * * IN THE DISTRICT COURT OF TUSCALOOSA COUNTY * * *

AGENCY NUMBER: 9801032

WARRANT NUMBER: WR 98 000116.00
OTHER CASE NBR:

C O M P L A I N T

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF TUSCALOOSA COUNTY, ALABAMA, PERSONALLY APPEARED RONALD ANDERS WHO BEING DULY SWORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT RICHARD JAMES MARSHALL WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINANT

DID ON OR ABOUT 011098, WITH THE INTENT TO HARASS, ANNOY OR ALARM ANOTHER PERSON, TO-WIT: SHERVON BAITY DID EITHER
(X) STRIKE, SHOVE, KICK OR OTHERWISE TOUCH THE SAID SHERVON BAITY OR SUBJECT HIM/HER TO PHYSICAL CONTACT BY STRIKING HER WITH HIS HANDS, OR,

() DIRECT ABUSIVE OR OBSCENE LANGUAGE, MAKE AN OBSCENE GESTURE OR A THREAT, TO-WIT: TOWARD ANOTHER PERSON, TO-WIT: OF THE CODE OF ALABAMA, IN VIOLATION OF 13A-011-008 (A)(1) AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.



COMPLAINANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 16 DAY OF JANUARY, 1998.


JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: HARASSMENT 13A-011-008 (A)(1) M MISDEMEANOR

WITNESS FOR THE STATE

RONALD ANDERS/UA PD/UNI OF ALABAMA/35486
SHERVON BAITY, [REDACTED]

OPERATOR: GEB DATE: 01/16/98

ALABAMA UNIFORM INCIDENT/OFFENSE REPORT

1 INCIDENT <input checked="" type="checkbox"/> OFFENSE <input type="checkbox"/>		2 CASE #		3 BOX	
4 OFFENSE		5 DATE AND TIME OF THIS REPORT		6 AGENT NAME	
7 REPORTED BY <input type="checkbox"/> VICTIM OR <input checked="" type="checkbox"/> OFFENSE		8 ADDRESS (STREET, CITY, STATE, ZIP)		9 OFFENSE DATE	
10 RAILY KIARA		11 ADDRESS (STREET, CITY, STATE, ZIP)		12 PHONE	
13 VICTIM (LAST, FIRST, MIDDLE NAME)		14 ADDRESS (STREET, CITY, STATE, ZIP)		15 PHONE	
16 EMPLOYER/SCHOOL		17 ADDRESS (STREET, CITY, STATE, ZIP)		18 PHONE	
19 OCCUPATION		20 AGE		21 WAS OFFENDER KNOWN TO VICTIM?	
22 TYPE INCIDENT OR OFFENSE		23 DEGREE (CIRCLE)		24 VICTIM WAS (EXPLAIN RELATIONSHIP)	
25 TYPE INCIDENT OR OFFENSE		26 DEGREE (CIRCLE)		27 STATE CODE/LOCAL ORDINANCE	
28 PLACE OF OCCURRENCE		29 SECTION		30	
31 POINT OF ENTRY		32 METHOD OF ENTRY		33 ASSAULT	
34 OCCURRED ON OR BETWEEN		35 TIME		36 WEATHER	
37 VERIFY FOR		38 TREAT FOR		39 CIRCUMSTANCES	
40 WEAPON USED		41 DESCRIPTION OF WEAPONS/PREPARATIONS/TOOLS USED IN OFFENSE		42 HANDGUN	
43 QUANTITY		44 STOLEN, RECOVERED, LOST, FOUND OR DESTROYED		45 DOLLAR VALUE	
46 MOTOR VEHICLE		47 CURRENCY, NOTES		48 JEWELRY	
49 ELECTRONICS		50 HOUSEHOLD		51 DOWNABLE BOOKS	
52 CHECK CATEGORY		53 STOLEN		54 RECOVERED	
55 STOLEN		56 LIT		57 TAG COLOR	
58 VTR		59 YMA		60 VED	
61 AUTO INSURER NAME (COMPANY)		62 ADDRESS (STREET, CITY, STATE, ZIP)		63 WARRANT SIGNED	

TYPE OR PRINT IN BLACK INK

ACJIC-32 REV 8-88

INQUEE

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ALABAMA ~~UNIFORM~~ INCIDENT/OFFENSE REPORT ~~FORM~~ SUPPLEMENT

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

1 ORI # 016130306		2 AGENCY NAME UNIV OF AL DEPT OF PUBLIC SAFETY		3 DATE AND TIME OF REPORT 011109 0215		4 CASE # 98-011-032		5 BIX									
EVENT	6 VICTIM'S NAME (ORIGINAL REPORT) BARRY, SHERRILL R.				7 ORIGINAL OFFENSE DATE 011109		8 TYPE REPORT <input checked="" type="checkbox"/> CONTINUATION <input type="checkbox"/> FOLLOW-UP										
	9 ORIGINAL INCIDENT/OFFENSE DOMESTIC VIOLENCE				10 UCR CODE		11 STATE CODE/LOCAL ORDINANCE 13A-11-5(b)										
	12 NEW INCIDENT/OFFENSE NONE				13 UCR CODE		14 STATE CODE/LOCAL ORDINANCE										
	15 HAS AN ARREST BEEN MADE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				16 DATE OF ARREST 011109		17 HAS WARRANT BEEN OBTAINED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		18 DATE OF WARRANT								
19 PRISON PREMISE YEAR WEAPON				20 PRISON PREMISE		21 PRISON PREMISE		22 WEAPON									
23 DEFENDANT <input type="checkbox"/> SUSPECT					24 DEFENDANT <input type="checkbox"/> SUSPECT												
NAME: RICHARD J. MARSHALL					NAME:												
RACE: <input checked="" type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> O <input type="checkbox"/> N <input type="checkbox"/> I					RACE: <input checked="" type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> O <input type="checkbox"/> N <input type="checkbox"/> I												
AGE: 23					AGE:												
NARRATIVE	A GOLD CHAIN HAD BEEN PULLED FROM THE VICTIM'S NECK AND HER TEE SHIRT HAD BEEN TORN OFF. WRITER ARRESTED THE LISTED SUSPECT AND TRANSPORTED HIM TO THE TUSCALOOSA COUNTY JAIL AND PLACED INTO THE CUSTODY OF JAIL STAFF. THE SUSPECT WAS PLACED IN ONA COUNTY ARREST TICKET # 5776 WITH A \$500.00 CASH BOND. THE WARRANT WILL BE OBTAINED THROUGH THE CITY WARRANT CLERK. PHOTOGRAPHS AND A WRITTEN STATEMENT WAS OBTAINED FROM THE VICTIM. THE VICTIM'S TORN SHIRT WAS TEGGED AND PLACED IN THE EVIDENCE LOCKER.																
25 MOTOR VEHICLE			26 CURRENCY, NOTES			27 JEWELRY			28 CLOTHING/FURS			29 FIREARMS			30 OFFICE EQUIPMENT		
31 ELECTRONICS			32 HOUSEHOLD			33 CONSUMABLE GOODS			34 LIVESTOCK			35 SPECIAL ADJUDICATIONS					
36 MOTOR VEH. STOLEN IN YOUR JURISDICTION? <input type="checkbox"/>									37 RECOVERED BY YOUR AGENCY? <input type="checkbox"/>								
38 WHERE?									39 WHERE?								
34 CASE #									35 BIX								
36 CASE #									37 BIX								
38 CASE #									39 BIX								
40 CASE #									41 BIX								
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FAMILY COUNSELING SERVICE

2020 BRYANT DRIVE
TUSCALOOSA, AL 35401
205/762-2504

VERIFICATION OF PARTICIPATION

**Family Counseling Service
Board of Directors**

President:
Kurtis Watson

Vice President:
Nathan Carlson

Treasurer:
Todd Ingram

Secretary:
David Tennell

Robin Burtis

Lacy Calhoun

Janice Ford

Kathryn Horwood

Greg Kishel

James Robinson

Carl Albright, Jr.

Edith Began

Samuel H. Carter

Beverly Pitt

Tim Harrington

Rev. Shelton

Steve Wilson

J. Bryan Rouse

Al Lee Woodfield, III

Thomas F. Hester

Billy Langkin

Dana Pickett

Gilbert Rostell

Connie Wadlington

Wilfred W. Younger

Executive Director:
George C. Shelton

To: Tuscaloosa District
Judge Chandler

From: Jacqueline Hilly MSW, LCSW
Group Leader

Subject: Richard Marshall

Case#: DC98-424

This letter is to verify that the above named client is currently participating in the Domestic Violence Intervention Program. This program ends on May 25, 1998 and the final report will follow within 14 days.

If there is additional information I can provide, please feel free to contact me at 752-2504.

4/13/98
Date Jacqueline Hilly MSW
Group Leader

FILED

APR 15 1998

ELIZABETH HAMNER, CLERK
TUSCALOOSA DISTRICT COURT

MEMBER AGENCY UNITED WAY



ALABAMA UNIFORM ARREST REPORT

Fingerprinted	RM Completed
<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> No	<input type="checkbox"/> No

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

1 ORI #		2 AGENCY NAME		3 CASE #		4 RFX	
0163103010		UNIV OF ALABAMA DEPT OF PUBLIC SAFETY		9.8.0.1.0.3.2			
5 LAST, FIRST, MIDDLE NAME							
MARSHALL, RICHARD JAMES							
6 ALIAS AKA							
NONE							
7 SEX	8 RACE	9 HGT.	10 WGT.	11 EYE	12 HAIR	13 SKIN	14
<input checked="" type="checkbox"/> M	<input checked="" type="checkbox"/> W	509	190	BROWN	BLACK	DARK	
15 PLACE OF BIRTH (CITY, COUNTY, STATE)							
SELMA ALABAMA							
16 SSN							
17 DATE OF BIRTH							
23							
18 BIRTHDAY							
23							
19 MISCELLANEOUS ID #							
20							
21 FINGERPRINT CLASS							
22 DL #							
23 ST							
24 AL							
25 IDENTIFICATION COMMENTS							
26							
27 HENRY CLASS							
28 NCIO CLASS							
29 RESIDENT							
30 NON-RESIDENT							
31 HOME ADDRESS (STREET, CITY, STATE, ZIP)							
32 RESIDENCE PHONE							
33 OCCUPATION (BE SPECIFIC)							
34 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP)							
35 BUSINESS PHONE							
36 EMPLOYER (NAME OF COMPANY/SCHOOL)							
37 NONE							
38 LOCATION OF ARREST (STREET, CITY, STATE, ZIP)							
39 SECTOR #							
40 ADMITTED FOR YOUR JURISDICTION? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO							
41 CONDITION OF							
42 ARRESTED							
43 DESCRIPTION OF WEAPON							
44 DATE OF ARREST							
45 TIME OF ARREST							
46 DATE OF ARREST							
47 TIME OF ARREST							
48 CHARGE-1							
49 STATE CODE/LOCAL ORDINANCE							
50 WARRANT #							
51 DATE ISSUED							
52 CHARGE-2							
53 STATE CODE/LOCAL ORDINANCE							
54 WARRANT #							
55 DATE ISSUED							
56 CHARGE-3							
57 STATE CODE/LOCAL ORDINANCE							
58 WARRANT #							
59 DATE ISSUED							
60 ARREST DISPOSITION							
61 IF OUT ON RELEASE							
62 ARRESTED WITH (1) ACCOMPLICE (FULL NAME)							
63 ARRESTED WITH (2) ACCOMPLICE (FULL NAME)							
64 VTR							
65 VTA							
66 VMC							
67 VST							
68 VED							
69 TAG #							
70 LIG							
71 LIV							
72 VIN							
73 IMPOUNDED?							
74 STORAGE LOCATION/IMPOUND #							
75 OTHER EVIDENCE SEIZED/PROPERTY SEIZED							
76 JUVENILE							
77 HANDLED AND RELEASED							
78 REF. TO WELFARE AGENCY							
79 REF. TO ADULT COURT							
80 REF. TO JUVENILE COURT							
81 REF. TO OTHER POLICE AGENCY							
82 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)							
83 ADDRESS (STREET, CITY, STATE, ZIP)							
84 PARENTS EMPLOYER							
85 OCCUPATION							
86 ADDRESS (STREET, CITY, STATE, ZIP)							
87 DATE AND TIME OF RELEASE							
88 RELEASING OFFICER NAME							
89 AGENCY/DIVISION							
90 AGENCY ADDRESS							
91 RELEASED TO:							
92 PERSONAL PROPERTY RELEASED TO ARRESTEE							
93 PROPERTY NOT RELEASED/HELD AT:							
94 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE)							
95 SIGNATURE OF RECEIVING OFFICER							
96 SIGNATURE OF RELEASING OFFICER							
97 LOCAL USE							
98 STATE USE							
99 MULTIPLE CASES CLOSED							
100 CASE #							
101 30X							
102 CASE #							
103 RFX							
104 CASE #							
105 30X							
106 CASE #							
107 30X							
108 CASE #							
109 30X							
110 CASE #							
111 ARRESTING OFFICER (LAST, FIRST, MI)							
112 ID #							
113 ARRESTING OFFICER (LAST, FIRST, MI)							
114 ID #							
115 SUPERVISOR							
116 WATCH CHGR.							
117							

TYPE OR PRINT IN BLACK INK ONLY

ACJIC-34 REV. 10-90

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

INCIDENT/OFFENSE REPORT CONTINUED		DATE AND TIME OF REPORT		CASE #		OFFENSE		CHECK IF MULTIPLE	
01/11/09 02:15		91F-1011-0312		OFFENSE		SUSPECT		MISSING PERSON	
100 NAME (LAST, FIRST, MIDDLE)		101 RACE		102 SEX		103 DOB		104 AGE	
MARSHALL, RICHARD JAMES		WHITE		M		[REDACTED]		23	
105 ADDRESS (STREET, CITY, STATE, ZIP)		106 HGT		107 WGT		108 EYE		109 HAIR	
[REDACTED]		5'9"		190		BROWN		BLACK	
110 PROBABLE DESTINATION		111 ARMED?		112 WEAPON		113		114	
SOME		Y		NONE					
115 CLOTHING		116 SCARS		117 MARKS		118 TATTOOS		119 ARRESTED	
DARK COLORED CORDUROY PANTS, TENSHER								WANTED	
120 NAME (LAST, FIRST, MIDDLE)		121 RACE		122 SEX		123 DOB		124 AGE	
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
125 ADDRESS (STREET, CITY, STATE, ZIP)		126 HGT		127 WGT		128 EYE		129 HAIR	
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
130 PROBABLE DESTINATION		131 ARMED?		132 WEAPON		133		134	
[REDACTED]		Y		NONE					
135 CLOTHING		136 SCARS		137 MARKS		138 TATTOOS		139 ARRESTED	
[REDACTED]								WANTED	
140 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB		141 ADDRESS (STREET, CITY, STATE, ZIP)		142 RES. PHONE		143 BUS. PHONE		144	
1. BAIRY, KIANA		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
2. [REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
3. [REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
4. [REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
WITNESS #1 SEX		WITNESS #2 SEX		WITNESS #3 SEX		WITNESS #4 SEX		WITNESS #5 SEX	
NONE		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
<p>on 01/10/09 at approx 0153 hr, WRITER R.R. ANDERS Responded to McCarry and APT 101 on a report of a physical altercation from witness #1 the victim's daughter. When writer arrived at the apartment the victim was in the hallway wearing only her panties and covering her breast with a torn white t-shirt. The victim stated she and her boyfriend Richard Marshall was arguing about something that occurred over the holidays while the victim was out of town. Victim stated the suspect began hitting her while they were lying in bed and continued as she called for her daughter who was in the other bedroom to call the police. The victim and suspect have lived together for the last two years. While talking with the victim it was noticed that she had swelling under her left eye.</p>									
<p>I hereby affirm that I have read this report and that all information given by me is correct to the best of my knowledge. I will assume full responsibility for notifying this agency if any status changes or additional information is reported in relation.</p>									
<p>SIGNATURE: [Signature]</p>									
MULTIPLE CASES CLOSED		145 CASE #		146 SEX		147 CASE #		148 SEX	
149 CASE #		150 CASE #		151 SEX		152 CASE #		153 SEX	
154 CASE #		155 CASE #		156 SEX		157 CASE #		158 SEX	
159 CASE #		160 CASE #		161 SEX		162 CASE #		163 SEX	
164 CASE #		165 CASE #		166 SEX		167 CASE #		168 SEX	
169 CASE #		170 CASE #		171 SEX		172 CASE #		173 SEX	
174 CASE #		175 CASE #		176 SEX		177 CASE #		178 SEX	
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199 CASE #		200 CASE #		201 SEX		202 CASE #		203 SEX	
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399 CASE #		400 CASE #		399 SEX		400 CASE #		400 SEX	

STATE OF ALABAMA,

IN THE DISTRICT COURT OF
TUSCALOOSA COUNTY

vs.

Richard James Marshall
Defendant

Case Number

DC 98-424

EXPLANATION OF RIGHTS

You have a complaint filed against you which is a misdemeanor offense. If you plead guilty to said crime, or if the Judge finds that you are guilty of said crime, the law provides for punishment by imprisonment in the County Jail for not less than Zero days nor more than 3 months for such offense plus a fine of -0- to \$500.00 with costs taxed to you.

Under the Constitution of the United States and of the State of Alabama, you have the right or privilege not to be compelled to give evidence against yourself. In the trial of your case before the Judge, you have the right to take the witness stand and to testify on your own behalf, if you so desire, but no one can require you to testify. If you testify, you can be cross-examined by the State. If you do not testify, no one can even comment to the Judge as to your failure to testify. You have the right to remain absolutely silent, but anything that you voluntarily say, with knowledge of your rights may be used against you.

You have the right to have an attorney. If you are unable to afford an attorney because of indigency and face a possible jail sentence, an attorney will be appointed for you without charge, if you so choose. You should advise the court that you would like an attorney appointed and make known to the court whether or not you claim indigency. If you claim indigency, you must complete an affidavit of substantial hardship and submit this form to the court. The court will determine whether or not you are indigent and if so, appoint an attorney to represent you. Your conversations with your attorney are confidential and cannot, and will not, be disclosed by your attorney.

You have the right to stand on your plea of not guilty, and the right to a public trial before the District Court Judge. In a trial, the Judge would determine whether you are guilty or whether you are not guilty, or whether you are innocent, based upon the evidence in the case.

In the trial of your case, you or your attorney could subpoena witnesses to testify on your behalf; make legal objections to matters that you or he felt were objectionable; cross-examine the witnesses of the State; examine your own witnesses, and argue the matter before the Judge. Your attorney would be bound to do everything that he could honorably and reasonably do to see that you obtain a fair and impartial trial.

In the trial of your case, you will come into court clothed with a presumption that you are not guilty and this presumption of innocence will follow you throughout the course of the trial until the evidence produced by the State convinces the Judge beyond a reasonable doubt of your guilt.

The burden of proof is upon the State of Alabama to convince the Judge from the evidence in the case that you are guilty beyond a reasonable doubt before the Judge would be authorized to find you guilty. If the State does not meet such burden of proof, it will be the Judge's duty to find you not guilty. You will have no burden of proof whatsoever in your trial.

To the charges set forth in the complaint, you have the right to enter a plea of guilty, not guilty, not guilty by reason of insanity or any other special plea. You should enter a plea of guilty only if you are actually guilty of said crime. If you are in doubt as to whether you are or are not guilty, this court suggests that you enter a plea of not guilty and require the prosecution to prove its case against you.

Your attorney will go over these rights with you, but if you have any questions about any of them, please ask the undersigned Judge and he will make further explanation thereof to you.

If you plead not guilty and are found guilty by the Judge, then you have 14 days to appeal the Judgment to the Circuit Court and have it tried before a jury.

This the 11 day of Feb 19 98
District Judge of Tuscaloosa County Alabama

ALABAMA UNIFORM INCIDENT/OFFENSE REPORT

1 INCIDENT		2 OFFENSE		3 CASE #		4 SEX	
11 INCIDENT		12 OFFENSE		13 CASE #		14 SEX	
15 DATE AND TIME OF THIS REPORT		16 AGENCY NAME		17 AGENCY ADDRESS		18 PHONE	
19 REPORTED BY		20 ADDRESS (STREET, CITY, STATE, ZIP)		21 PHONE		22 PHONE	
23 VICTIM (LAST, FIRST, MIDDLE NAME)		24 ADDRESS (STREET, CITY, STATE, ZIP)		25 PHONE		26 PHONE	
27 EMPLOYER/SCHOOL		28 OCCUPATION		29 ADDRESS (STREET, CITY, STATE, ZIP)		30 PHONE	
31 RESIDENT		32 INJURY		33 RACE		34 SEX	
35 NON-RESIDENT		36 WGT		37 HGT		38 DOB	
39 TYPE INCIDENT OR OFFENSE		40 FEL		41 MISD.		42 DEGREE (CRIMES)	
43 TYPE INCIDENT OR OFFENSE		44 FEL		45 MISD.		46 DEGREE (CRIMES)	
47 PLACE OF OCCURRENCE		48 POINT OF ENTRY		49 METHOD OF ENTRY		50 ASSAULT	
51 OCCURRED ON OR BETWEEN		52 TIME		53 LIGHTING		54 WEATHER	
55 VERIFY FOR		56 TREAT. FOR		57 CIRCUMSTANCES		58 HANDGUN	
59 WEAPON USED		60 DESCRIPTION OF WEAPON/FIREARM/TOOLS USED IN OFFENSE		61 HANDGUN		62 RIFLE	
63 QUANTITY		64 STOLEN, RECOVERED, LOST, FOUND OR DESTROYED		65 DOLLAR VALUE		66 RECOVERED	
67 MOTOR VEHICLE		68 CURRENCY, NOTES		69 JEWELRY		70 CLOTHING/FLURS	
71 ELECTRONICS		72 HOUSEHOLD		73 CONSUMABLE GOODS		74 LIVESTOCK	
75 CHECK CATEGORIES		76 STOLEN		77 RECOVERED		78 SUSPECTS VEH.	
79 STOLEN		80 LIC.		81 LIC.		82 TAG COLOR	
83 VEH		84 VMA		85 VMO		86 VET	
87 STOLEN VEH.		88 AREA STOLEN		89 OWNERSHIP		90 TAG PRESENT	
91 AUTO DRIVER NAME (COMPANY)		92 ADDRESS (STREET, CITY, STATE, ZIP)		93 PHONE		94 PHONE	
95 STOLEN IN YOUR JURISDICTION?		96 WHERE?		97 RECOVERED IN YOUR JURISDICTION?		98 WHERE?	

TYPE OR PRINT IN BLACK INK

ACJIC-22 REV 6-99

INCHES

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FAMILY COUNSELING SERVICE

2020 Bryant Drive
Tuscaloosa, Alabama 35401
(205) 752-2504

Date: 5-29-98

To: Judge Joel Chandler
Tuscaloosa District Court

From: Jacqueline Hill
Group Leader

Re: Richard James Marshall

FILED

JUN 10 1998

ELIZABETH HAMMER, CLERK
TUSCALOOSA DISTRICT COURT

Case #: DC98-424

6/10

ATTENDANCE:

12 of 12 Sessions0 Make-Up Session1 Tardy

PERFORMANCE EVALUATION	No Progress	Poor	Average	Good	Excellent
Accepting responsibility for behavior	1	(2)	3	4	5
Recognition of violence as unacceptable	1	2	(3)	4	5
Increased ability to use nonviolent behavior	1	2	(3)	4	5
Modifying attitude towards opposite sex	1	(2)	3	4	5
Accepting partnership view in relationships	1	2	(3)	4	5
Development of assertive skills	1	(2)	3	4	5
Development of communication skills	1	(2)	3	4	5
Recognizing irrational thoughts	1	2	(3)	4	5
Changing irrational thoughts	1	2	(3)	4	5
Development of negotiation skills	1	(2)	3	4	5
Development of problem-solving skills	1	2	(3)	4	5
Recognition of stages of abuse cycle	1	(2)	3	4	5
Participation in class discussion	1	2	(3)	4	5
Progress demonstrated in homework	1	(2)	3	4	5
Completion of homework	1	2	(3)	4	5
Progress demonstrated in class discussion	1	(2)	3	4	5
Progress demonstrated in interaction with group leaders	1	(2)	3	4	5
Victims report of clients progress	1	2	3	4	5

Name: Richard James Marshall

Case #: DC98-424

DISCHARGE RECOMMENDATIONS

- ☐ Voluntary AA
☐ Voluntary Marriage Counseling
☐ Voluntary Individual Counseling
☐ Other: _____

REFERRAL TO MONTHLY DVIP FOLLOW-UP

- ☒ 3 Months ☐ 12 Months
☐ 6 Months ☐ No Further Recommendations
☐ Full Probationary Period

COMMENTS/NARRATIVE ASSESSMENT

Mr. Marshall's written and verbal responses during his DVIP participation indicated that he seemed to continue to focus on who his partner(s) are and their behavior(s) as a determinant of his behavior. He expressed little motivation to engage in behavior change activities.

Completion of the Domestic Violence Intervention Program is no guarantee of a change in the participant's behavior. The program seeks to offer education and insight to encourage change, but the actual change is at the discretion of each participant and remains beyond the ability of this program to control.